



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,439	02/08/2002	David L. Clark	20138/7341	4445

7590 09/15/2003

Gunnar G. Leinberg, Esq.
NIXON PEABODY LLP
Clinton Square
P.O. Box 31051
Rochester, NY 14603-1051

EXAMINER

PATEL, ASHOK

ART UNIT	PAPER NUMBER
----------	--------------

2879

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,439

Applicant(s)

CLARK, DAVID L. 

Examiner

Ashok Patel

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 0202.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2879

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by applicant's admitted prior art.

Applicant's admitted prior art discloses a lamp (Figs. 1-2) including: an anode (12), a baffle (14) and an electrical insulator (16) as currently recited in claim 1, wherein the electrical insulator includes a first surface (left side surface in Figure 2) connected to a first surface of the baffle and a second surface (right side surface in Figure 2) of the electrical insulator connected to a first surface of the anode, the electrical insulator having a transverse cavity extending from a first through-hole in the first surface of the electrical insulator to a second through-hole in the second surface of the electrical insulator, the electrical insulator having a gap in the transverse cavity, the gap is adjacent the second through-hole in the electrical insulator or spaced in from the first and

Art Unit: 2879

second through-holes in the electrical insulator or extends substantially around the transverse cavity.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Davenport (USPN 6,078,132).

Davenport discloses a lamp (Figure 1) including an anode (27), a baffle (28) and an electrical insulator (29) as currently recited in claim 1, wherein the electrical insulator includes a first surface (left side surface in Figure 1) connected to a first surface of the baffle and a second surface (right side surface in Figure 1) of the electrical insulator connected to a first surface of the anode, the electrical insulator having a transverse cavity extending from a first through-hole in the first surface of the electrical insulator to a second through-hole in the second surface of the electrical insulator, the electrical insulator having a gap in the transverse cavity, the gap is adjacent the second through-hole in the electrical insulator or spaced in from the first and second through-holes in the electrical insulator or extends substantially around the transverse cavity.

Art Unit: 2879

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Davenport (GB 2,352,869).

Applicant's admitted prior art does not disclose the anode of the lamp including a radiator. However Davenport, in the same field of endeavor, is cited for showing a lamp anode having a radiator to dissipate heat that arises during lamp operation (page 8, lines 23-31).

Consequently, it would have been obvious to one of ordinary skill in the art to provide applicant's admitted prior art with the anode having radiator for dissipating the heat during operation.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Clark (USPN 5,864,209, of record).

Art Unit: 2879

Applicant's admitted prior art does not disclose the lamp cathode a coated with an electron emitting material. However Clark, in the same field of endeavor, is cited for showing a lamp cathode coated with electron emitting material (col. 1, line 37 - col. 2, line 7).

Consequently, it would have been obvious to one of ordinary skill in the art to provide applicant's admitted prior art with the cathode coated with electron emitting material for improving emission properties.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art.

Applicant's admitted prior art does not disclose the electrical insulator made of a ceramic material as claimed by applicant. Instead, applicant's admitted prior art lamp insulator includes dielectric material. However since both dielectric and ceramic perform similar function in the device, applicant's admitted prior art would have suggested to one of ordinary skill in the art to use the insulator made of dielectric or ceramic.

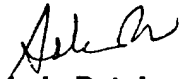
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok

Art Unit: 2879

Patel whose telephone number is 703-305-4934. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 703-305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.


Ashok Patel
Primary Examiner
Art Unit 2879